UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,254	05/24/2001	Hiroyasu Shino	1538.1014	9281

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EXAMINER
RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/863,254	SHINO ET AL.
	Examiner	Art Unit
	Rob Rhode	3625

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 May 2004</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 5-24-04 amended the specification, drawings and claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 and canceled claims 4, 6, 10 and 15 as well as added new claims 17 – 18. In addition, applicant traversed rejections of Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16.

Currently, claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 3, 5, 7 – 9, 11 – 14 and 16 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6,381,583 B1) in view of Zweig (US 6,658,325 B2).

Regarding claim 1 and related claims 7 and 12 (CURRENTLY AMENDED), Kenney teaches a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an

article, which was selected from a plurality of articles of one commodity is received from a user' terminal (see at least Abstract and Figure 7).

However, Kenney does not specifically disclose and teach a method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot.

On the other hand, Zweig teaches a method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop (see at least Abstract, Col 3, lines 19 – 22, Col 4, lines 30 – 31 and Col 7,lines 46 – 49); and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot (Col 9, lines 34 – 53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Kenney with the method and system of Zweig to have enabled teaches a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot – in order to have the ability to shop online and view products at a shop via an in shop robot. Kenney discloses a method and system of selling a commodity via a network, said method comprising: if instruction information regarding a designated display manner of an article, which was selected from a plurality of articles of one commodity is received from a user' terminal (see at least Abstract and Figure 7). Zweig discloses method and system for outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by

said camera Included in said robot (Abstract and Col 9, lines 34 – 53). Therefore, one of

ordinary skill in the art would have been motivated to extend the method and system of

Kenney with a method and system for outputting to a robot including a camera, a first

request for acquiring image information at this moment according to said designated

display manner of the selected article itself, said robot provided for a real shop and

moving around within said real shop; and transmitting to said user terminal, said image

information of the selected article Itself to enable a user of said user terminal to evaluate

an actual state of the selected article itself, said image information taken by said

camera Included in said robot. Thereby, the user can shop remote and view the article

in the shop via a robot, which will increase customer satisfaction. With this increased

satisfaction, the probability will be increased that the online user will return for additional

selections as well as recommend the site/real shop to others.

Regarding claim 2 and related claims 8, 13 (CURRENTLY AMENDED) and 17 (NEW),

Zweig teaches a method, further comprising: if information regarding a selected

purchase plan commodity is received from said user terminal, outputting to said robot, a

second request for acquiring image information for said selected purchase plan

commodity; according to said second request, controlling said robot to move while

taking image Information until said robot reaches an exhibition position of said selected

purchase clan commodity (Col 3, lines 19 – 22, Col 9, lines 34 – 58); and

transmitting to said user terminal, image information for said selected purchase plan

commodity, which is taken by said camera includes in said robot and image information

until said robot reaches said exhibition position of said selected purchase plan commodity, to enable a user of said user terminal to see an actual state within said real shoe in real time (Col 9, lines 36 – 49). Please note that Zweig does specifically disclose additional receivers such as third receiver. However, Zweig does disclose a receiver and transmitter. Therefore, it would have been obvious to one of ordinary skill in the art to have added additional receivers and transmitters in order to accommodate multiple user as well as multiple robots and/or robots with multiple receivers. Thereby, this will increase the amount of sales, which will increase the profit for the real shop.

Regarding claim 3 and related claims 9 and 14 (CURRENTLY AMENDED), Zweig teaches a method, according to said first request, controlling said robot to change a photographing method for the selected article itself, and if a purchase instruction of the selected article is received from said user terminal, instructing said robot to convey said selected article within said real shop (Col 3, lines 18 – 22 and Col 7, lines 46 – 49 and Figures 2 - 3). Please note that Zweig does not specifically disclose a second controller, a third receiver. However, Zweig does disclose a controller, transmitter and receiver. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Zweig with a second and third controller as well as additional receivers, which will allow multiple robots to respond and perform various commands. In this manner, additional customers can be supported.

Regarding claim 5 and related claim 11 (CURRENTLY AMENDED), Zweig teaches a

method, further comprising: if a purchase instruction of the selected article is received

from said user terminal, acquiring identification information of said selected article itself;

and transmitting said identification of said selected article to said user terminal (Col 7,

lines 46 – 49 and Col 9, lines 34 – 49).

Regarding claim 16 (CURRENTLY AMENDED), Kenney teaches a computer system

further comprising a fourth receiver for receiving a purchase instruction of the selected

article from said user terminal; an acquiring unit that acquires identification information

of selected article itself in response to said purchase instruction; and a third transmitter

transmitting said identification information of said selected article itself to said user

terminal (Abstract, Col 1, lines 41 - 48 and Figure 10A.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Kenney and Zweig as applied to claim 1 above, and further in view

of Van Kommer (6,584,376).

The combination of Kenney and Zweig substantially discloses and teaches the

applicant's invention.

While the combination does disclose interacting with a robot via a web interface, the

references do not specifically discloses a method, further comprising: if a voice request

is received, outputting to said robot including a microphone, an instruction to obtain
voice information within said real shop; and transmitting to said user terminal, the
obtained voice information to enable said user terminal to represent an actual state
within said real shop In real time.

On the other hand and regarding claim 18 (NEW), Van Kommer teaches a method,
further comprising: if a voice request is received, outputting to said robot including a
microphone, an instruction to obtain voice information within said real shop; and
transmitting to said user terminal, the obtained voice information to enable said user
terminal to represent an actual state within said real shop In real time (see at least
Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention
to have provided the combination of Kenney and Zweig with the method of Van Kommer
to have enabled a method, further comprising: if a voice request is received, outputting
to said robot including a microphone, an instruction to obtain voice information within
said real shop; and transmitting to said user terminal, the obtained voice information to
enable said user terminal to represent an actual state within said real shop In real time –
in order to provide voice interface too. The combination of Kenney and Zweig disclose a
method of selling a commodity via a network, said method comprising: if instruction
information regarding a designated display manner of an article, which was selected
from a plurality of articles of one commodity is received from a user' terminal, outputting

to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and transmitting to said user terminal, said image information of the selected article Itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera Included in said robot. Van Kommer teaches a method further comprising: if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and transmitting to said user terminal, the obtained voice information to enable said user terminal to represent an actual state within said real shop In real time.

Response to Arguments

Applicant's arguments with respect to claims 1 – 3, 5, 7 – 9, 11 – 14 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-**

8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the **Receptionist** whose telephone number is **(703)**

308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306   [Official communications; including
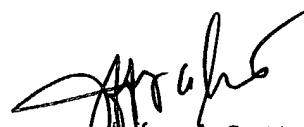
After Final communications labeled

"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner